IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10130 OF 2004

Smt.Bebijan Nabilal Aawati & Ors. ..Petitioners.

Vs.

Japtan Krishnaji Desai ..Respondents.

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Ms.A.S.Prabhu h/f Mr.N.V.Bandiwadekar for the Petitioners.

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CORAM : DR.D.Y.CHANDRACHUD, J.

15th April, 2005.

P.C. :

The original Plaintiff expired in 1994 upon which the suit abated. The Plaintiff had given a power of attorney to her grand son and only heir. Even the holder of the power of attorney died in 2000. In these circumstances, the Courts below were justified in taking the view that the delay in moving an application for setting aside abatement was not sufficiently explained. There is no merit in the Petition which is accordingly rejected.